

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

NICHOLAS GLADISH,)	
Plaintiff,)	
)	
v.)	Case No. 3:20-cv-108
)	
THE CITY OF EVANSVILLE,)	
DREW MURRAY,)	
Defendants.)	

NOTICE OF REMOVAL

The Defendants, The City of Evansville and Drew Murray (“Defendants”), by counsel, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, file their Notice of Removal of this cause from the Vanderburgh Superior Court to the United States District Court for the Southern District of Indiana, Evansville Division. In support of this Notice of Removal, Defendants state as follows:

1. On or about April 15, 2020, Plaintiff filed a two count Complaint for Damages (“Complaint”) captioned *Nicholas Gladish v. The City of Evansville, Drew Murray*, Cause No. 82D05-2004-CT-001677, in the Vanderburgh Superior Court. Plaintiff alleges that Defendant Murray used excessive force and illegally seized Plaintiff in violation of 42 U.S.C. § 1983, and that Defendant City of Evansville is liable for maintaining unconstitutional policies and customs in violation of *Monell v. Dep’t of Social Servs.*, 436 U.S. 658 (1978).

2. 28 U.S.C. § 1441(a) provides that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district of the United States for the district and division embracing the place where such action is pending.”

3. Pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1331 the United States District Court for the Southern District of Indiana has original jurisdiction over this matter as it arises under the Constitution, laws, or treaties of the United States. Accordingly, removal is appropriate.

4. The Vanderburgh Superior Court is located within the Southern District of Indiana, Evansville Division. 28 U.S.C. § 94(b)(3). Venue is thus proper because this is the “district and division embracing the place where such action is pending.” *See* 28 U.S.C. § 1441(a).

5. Defendants were served with the Complaint on April 21, 2020. Accordingly, this Notice of Removal is being filed within 30 days of service of a copy of the initial pleading setting forth the claims for relief upon which such action is based and, therefore, is timely under 28 U.S.C. § 1446(b).

6. A copy of this Notice of Removal is being served on Plaintiff’s counsel and filed with the Vanderburgh Superior Court contemporaneously herewith as provided by 28 U.S.C. § 1446(d).

7. The Defendants submit a copy of the Complaint, the Notice of Removal to the Vanderburgh Superior Court, as well as copies of the state court docket sheet, all pleadings, motions, orders, and all other filings, organized in chronological order, in accordance with 28 U.S.C. § 1446(a) and L.R.S.D. 81-2(a). These documents are attached as Exhibit A. The Defendants also submit a separate copy of the operative Complaint in accordance with L.R.S.D. 81-2(c). This document is attached as Exhibit B.

8. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

WHEREFORE, the Defendants, by counsel, file their Notice of Removal removing the above-captioned action from the Vanderburgh Superior Court to the United States District Court for the Southern District of Indiana, Evansville Division.

Respectfully submitted,

/s/ Keith W. Vonderahe

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Attorneys for the Defendants.

CERTIFICATE OF SERVICE

I certify that on May 5, 2020, a copy of the foregoing **Notice of Removal** was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. I also certify that a copy of the same was mailed, by first class mail, postage prepaid and properly addressed to the following:

Robert D. King, Jr., Esq.

David R. Thompson, Esq.

John M. Stringfield, Esq.

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/s/ Keith W. Vonderahe

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